

**REMARKS**

This is in response to the Office Action of March 19, 2009. Clarifying amendments are made to the specification. The phrases "outlet over 21" and "outlet over" have been corrected to "outlet cover 21" and "outlet cover," respectively. As is apparent from the overall disclosure, the outlet cover (21) is a part of the cover (2) which directly covers the outlet base (11). The corresponding correction is made in the claims. Claims 8-10 are cancelled, without prejudice. Claim 1 is amended to recite the feature of claim 5, and claim 5 is accordingly cancelled, without prejudice. New claim 11 recites the advantageous "forked" feature formerly recited in claim 1. Claims 1-4, 6, 7 and 11 are now pending in this application.

**Corresponding European patent**

The Examiner's attention is respectfully directed to the fact that a European patent application which corresponds to the present U.S. national phase application has been granted as EP 1 620 323 B1.

**Rejections under 35 U.S.C. 112**

Claims 1, 2, and 5 were rejected under the second paragraph of 35 U.S.C. 112 as failing to define the invention properly. Office Action, pages 2-3. The claims have been amended to address this ground of rejection. Such language as "such as," "if necessary," and "known completing elements" has been deleted from the claims. Applicants respectfully submit that the opening elements are defined as including a valve case (12) belonging to the mounting part (1) and a valve (22) belonging to the cover (2), and that the sealing elements are defined as providing gas-proof sealing between the cap and the bottle. Proper antecedent basis is provided for the language "the opening elements" in the "wherein" section of claim 1. In claim 2, the reference to "any known connecting structure" and the term "like" have been deleted. The

feature of claim 5 has been incorporated into claim 1. It is respectfully submitted that the claims in their current form satisfy the requirements of the statute.

Rejections under 35 U.S.C. 103

Claims 1, 3, 4, 7, and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Beck. Office Action, pages 3-5. Claims 6 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Shwery. Office Action, pages 5-6. Claims 2 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beck in view of Goodall. Office Action, pages 6-7. None of these rejections was applied to claim 5. Inasmuch as claim 1 – the sole independent claim herein – now requires the feature of claim 5, none of these rejections applies to any claim currently pending in the application.

Contact information

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Dated: September 18, 2009

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Rd  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant